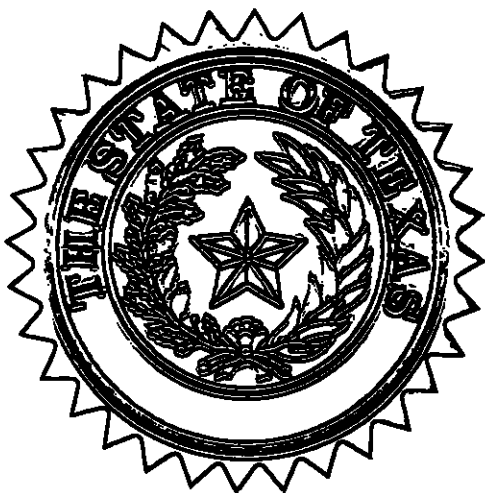


MESSAGE

House Bill No. 1788 is a step toward reinstating the ability of hobbyists to hunt and capture amphibians and reptiles on roads and rights-of-way, which was allowed for years before being prohibited by House Bill No. 12 in the 80th Legislative Session.

While I support allowing this hobby to resume, I do not support requiring a special stamp for those involved in the practice, because a hunting license is sufficient. Therefore, I am not lending my signature to the bill.



IN TESTIMONY WHEREOF, I
have signed my name officially
and caused the Seal of the State
to be affixed hereto at Austin,
this 17th day of June, 2011.

Rick Perry
RICK PERRY
Governor of Texas

ATTESTED BY:

Esperanza "Hope" Andrade
ESPERANZA "HOPE" ANDRADE
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00 O'CLOCK
JUN 17 2011

AN ACT

relating to capturing reptiles and amphibians by nonlethal means;
providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 43, Parks and Wildlife Code, is amended
by adding Subchapter W to read as follows:

SUBCHAPTER W. REPTILE AND AMPHIBIAN STAMP

Sec. 43.901. REPTILE AND AMPHIBIAN STAMP REQUIRED. (a)

Except as provided by Section 43.905, a person may capture by
nonlethal means an indigenous reptile or amphibian on the shoulder
of a road, as defined by Section 541.302, Transportation Code, or
the unpaved area of a public right-of-way only if the person
possesses a reptile and amphibian stamp issued to the person by the
department.

(b) The commission by rule shall prescribe the form, design,
and manner of issuance of a stamp under this subchapter.

(c) The stamp is not valid unless the person to whom the
stamp is issued has signed the stamp on its face.

(d) The commission by rule may prescribe alternate
requirements for identifying the purchaser of a stamp issued in an
automated manner.

(e) A stamp issued under this subchapter is valid only
during the yearly period for which the stamp is issued without
regard to the date on which the stamp is acquired. Each yearly

1 period begins on September 1 or another date set by the commission
2 and extends through August 31 of the next year or another date set
3 by the commission.

4 Sec. 43.902. FEE. The fee for a reptile and amphibian stamp
5 is \$10. The department may issue other editions of the stamp that
6 are not valid for capturing by nonlethal means a species covered by
7 this subchapter for a fee set by the commission.

8 Sec. 43.903. HUNTING LICENSE REQUIRED. The possession of a
9 reptile and amphibian stamp does not authorize a person to capture
10 by nonlethal means an indigenous reptile or amphibian:

11 (1) without possessing a hunting license required by
12 Section 42.002 or 42.005; or

13 (2) at a time or by means not otherwise authorized by
14 this code.

15 Sec. 43.904. STAMP SALE RECEIPTS. The net revenue derived
16 from the sale of reptile and amphibian stamps shall be credited to
17 the game, fish, and water safety account.

18 Sec. 43.905. EXEMPTIONS. A person is not required to have a
19 hunting license or reptile and amphibian stamp to capture by
20 nonlethal means and subsequently release in another location an
21 indigenous reptile or amphibian if the person is:

22 (1) performing activities related to the operation and
23 maintenance of pipelines and related facilities or to oil or gas
24 exploration or production;

25 (2) an employee of the state, a utility, as defined by
26 Section 203.091, Transportation Code, or a power generation
27 company, as defined by Section 31.002, Utilities Code, and is

1 acting in the course and scope of the person's employment with the
2 state, the utility, or the power generation company; or

3 (3) performing activities related to surface coal
4 mining and reclamation operations as defined by Section 134.004,
5 Natural Resources Code.

6 Sec. 43.906. PENALTY. (a) A person who violates Section
7 43.901 commits an offense that is a Class C Parks and Wildlife Code
8 misdemeanor.

9 (b) A person, other than a person described by Section
10 43.905, in an area described by Section 43.901 who is engaged in
11 capturing by nonlethal means a species covered by this subchapter
12 and fails or refuses on the demand of any game warden or other peace
13 officer to show a reptile and amphibian stamp is presumed to be in
14 violation of Section 43.901.

15 SECTION 2. Section 62.0031, Parks and Wildlife Code, is
16 amended by amending Subsection (a) and adding Subsections (c), (d),
17 and (e) to read as follows:

18 (a) Except as provided by Subsections [~~Subsection~~] (b) and
19 (c), a person may not hunt a wild animal or bird when the person is
20 on a public road or right-of-way.

21 (c) A person may capture by nonlethal means reptiles and
22 amphibians on the shoulder of a road, as defined by Section 541.302,
23 Transportation Code, or the unpaved area of a public right-of-way
24 if the person:

25 (1) possesses a reptile and amphibian stamp issued to
26 the person by the department and does not use a trap; or

27 (2) is described by Section 43.905.

1 (d) A person must wear reflective clothing when engaging in
2 the capture by nonlethal means of a reptile or amphibian under a
3 stamp issued by the department. The clothing must have at least 144
4 square inches of reflective material on both the front and back of
5 the clothing.

6 (e) A person may not use an artificial light from a motor
7 vehicle in locating, capturing, or attempting to capture a reptile
8 or amphibian under Subsection (c).

9 SECTION 3. (a) Not later than March 1, 2012, the Parks and
10 Wildlife Commission shall adopt:

11 (1) rules to implement the changes in law made by this
12 Act; and

13 (2) the form, design, and manner of issuance of, and
14 the fee for, a reptile and amphibian stamp under Subchapter W,
15 Chapter 43, Parks and Wildlife Code, as added by this Act.

16 (b) Notwithstanding Sections 43.901(e) and 43.902, Parks
17 and Wildlife Code, as added by this Act, the initial reptile and
18 amphibian stamps issued under Subchapter W, Chapter 43, Parks and
19 Wildlife Code:

20 (1) are valid for the period beginning the date the
21 stamps first become available and ending on the expiration of the
22 first yearly period set by the Parks and Wildlife Commission under
23 Section 43.901(e); and

24 (2) shall be issued for a fee equal to the yearly fee,
25 plus a prorated amount for the period beginning the date the stamps
26 first become available and ending on the day preceding the date the
27 first yearly period begins.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.

H.B. No. 1788

David Dewhurst

President of the Senate

Joe Straus
Speaker of the House

I certify that H.B. No. 1788 was passed by the House on May 6, 2011, by the following vote: Yeas 108, Nays 31, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1788 on May 26, 2011, by the following vote: Yeas 96, Nays 47, 1 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1788 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 23, Nays 8.

Patey Spaw
Secretary of the Senate

APPROVED: _____

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
JUN 17 2011

John R. McDaniel
Secretary of State